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CITY AND COUNTY OF SAN FRANCISCO,  
10 AND PAUL MIYAMOTO, IN HIS OFFICIAL  
CAPACITY AS SAN FRANCISCO SHERIFF

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13 UNITED STATES DISTRICT COURT  
14 NORTHERN DISTRICT OF CALIFORNIA  
15 OAKLAND DIVISION

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17 JOSHUA SIMON, DAVID BARBER, AND  
18 JOSUE BONILLA, INDIVIDUALLY AND  
ON BEHALF OF ALL OTHERS  
19 SIMILARLY SITUATED, DIANA BLOCK,  
AN INDIVIDUAL AND COMMUNITY  
RESOURCE INITIATIVE, AN  
ORGANIZATION,

20 Plaintiffs,

21 vs.

22 CITY AND COUNTY OF SAN  
FRANCISCO, PAUL MIYAMOTO, IN HIS  
23 OFFICIAL CAPACITY AS SAN  
FRANCISCO SHERIFF,

24 Defendants.

25 Case No. 4:22-cv-05541-JST

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**DECLARATION OF UNDERSHERIFF  
KATHERINE JOHNSON ON THE SUPERIOR  
COURT'S REVISION TO THE PRETRIAL  
ELECTRONIC MONITORING PROGRAM  
ORDER IN OPPOSITION TO PLAINTIFFS'  
MOTION FOR PRELIMINARY INJUNCTION**

27 Judge: Hon. Jon S. Tigar  
Courtroom: Courtroom 6, 2nd Floor  
Date: February 2, 2023  
Time: 2:00 p.m.

28 Trial Date: Not Set

1                   DECLARATION OF UNDERSHERIFF KATHERINE JOHNSON

2                   I, KATHERINE JOHNSON, declare as follows:

3                 1. I am the Undersheriff at the San Francisco Sheriff's Office ("SFSO"). As Undersheriff,  
4 I work with the Superior Court of the State of California, County of San Francisco ("Superior Court")  
5 concerning administration of the Pretrial Electronic Monitoring ("PTEM") Program. Except where  
6 otherwise indicated, the following facts are known to me personally, and if called upon as a witness, I  
7 would testify to them competently.

8                 2. I submit this declaration to update the Court with new information relevant to issues in  
9 this case, including with respect to Plaintiffs' Motion for a Preliminary Injunction.

10                3. The SFSO frequently discusses administration of the PTEM Program with the Superior  
11 Court. Those discussions include periodic revisions to orders, rules, and forms used in the PTEM  
12 Program.

13                4. Recently, the discussions with the Superior Court have included revisions to the  
14 template order the Superior Court judges use to release a defendant from custody subject to a  
15 defendant's participation in the PTEM Program. The revisions make explicit that as part of a  
16 defendant's waiver of their Fourth Amendment rights the Superior Court has imposed a warrantless  
17 search condition on persons placed on PTEM.

18                5. On April 5, 2023, I met remotely with Presiding Judge Anne-Christine Massullo and  
19 Supervising Criminal Judge and Assistant Presiding Judge Rochelle East. Judges Massullo and East  
20 indicated the Superior Court was reviewing revisions to the template order releasing defendants from  
21 custody subject to participation in the PTEM Program and would advise the Sheriff's Office about  
22 those revisions. At our April 5, 2023 meeting, the Superior Court indicated that it planned to begin  
23 using the revised template order and revised accompanying admonitions on or around May 1, 2023.

24                6. On April 24, 2023, the Superior Court provided the SFSO with the revised versions of  
25 the PTEM admonishment and approved PTEM form. A true and correct copy of the revised order  
26 received from the Superior Court is attached as **Exhibit A**. A true and correct copy of revised oral  
27 admonitions received from the Superior Court is attached as **Exhibit B**. The revised order includes a  
28 description of warrantless search conditions the Court can impose, including an option for the criminal

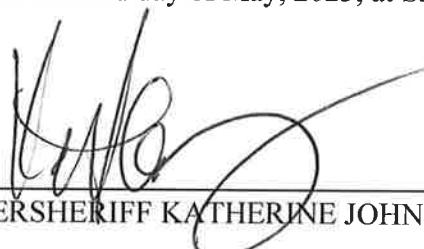
1 court to impose a condition allowing warrantless searches by any peace officer when appropriate. The  
2 order also includes spaces for signatures by a defendant and defendant's counsel to indicate their  
3 understanding of, and consent to, those conditions.

4       7. The Superior Court authorized the SFSO to share the information about its plans with  
5 the District Court for the Northern District of California.

6       8. Concurrently with the Superior Court's adoption of the revised template order, the  
7 SFSO will enter a different description of the warrantless search conditions for PTEM participants in  
8 the California Law Enforcement Telecommunications System ("CLETS"). The SFSO will modify the  
9 CLETS notification to reflect the specific warrantless search condition imposed as a condition of  
10 release.

11      9. On April 27, 2023, the SFSO received an update from the Superior Court that it had  
12 pushed back its implementation of the new forms until Monday May 8, 2023 to finish its programming  
13 around the new documents and meet with stakeholders such as the District Attorney's Office and  
14 Public Defender's Office.

15       I declare under penalty of perjury under the laws of the United States that the foregoing is true  
16 and correct and that this declaration was executed on this 2nd day of May, 2023, at San Francisco,  
17 California.



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UNDERSHERIFF KATHERINE JOHNSON